

THE CRIMINAL COURT.

MISTRIAL IN THE INCENDIARY CASE.

Four Men Held Out for the Acquittal of Fred P. Howland—He Will Be Disposed of This Morning—Thompson and Styron on Trial for Turning in a False Fire Alarm.

Pursuant to adjournment for recess on Thursday evening, the circuit criminal court of New Hanover county met yesterday at 9:30 o'clock.

THE INCENDIARY CASE.

The case of the State against F. P. Howland, charged with setting fire to the naval stores yard of Robinson & King on the morning of the 3rd of March, was resumed. Thursday afternoon the jury was addressed by Messrs. George L. Peschau for the defence, John D. Bellamy, Jr., for the defence, Solicitor M. C. Richardson for the state and Herbert McClammy for the defence. When the case was resumed yesterday morning, John D. Bellamy, Esq., spoke for the state, Marsden Bellamy, Esq., for the defence, and the argument was closed by C. P. Lockey, Esq., for the state. The argument was closed at 12:45 p. m. His Honor Judge Sutton delivered a splendid charge to the jury and they retired at 1:15 p. m. The following composed the jury: D. C. Littleton, J. J. Jackson, Wm. Harker, George McClammy, J. C. Smith, Henry Rodgers, B. K. Sykes, J. E. Kelly, J. K. Taylor, J. N. Reece, March Walker, colored, Samuel Bennett, colored.

When the jury retired the court took a recess till 2:30 p. m. At 2:30 p. m. the court reconvened and disposed of cases as follows:

State vs. Bruce Morgan and Henry Peterson, colored, larceny, defendants entered a plea of nolo contendere, and judgment was suspended on payment of the costs. The defendants were discharged as insolvents.

State vs. Moses McDonald, colored, forcible trespass, verdict guilty. Sentenced to two months imprisonment in the county jail.

State vs. John Henry, larceny, defendant submitted and was sentenced to two months in the county jail. Henry stole two umbrellas from the Rack-et Store Wednesday night.

State vs. Willie Walker, larceny, verdict not guilty.

FALSE ALARM CASE.

Most of the afternoon session was taken up with the case of the state against Fletcher Thompson and Henry Styron, the two young white men charged with sending in a false alarm of fire from box 34 on Seventh and Grace streets, Thursday morning between 1 and 2 o'clock, July 15th. Solicitor M. C. Richardson and David B. Sutton, Esq., prosecuted, and the defendants were in court and were represented by their counsel, Herbert McClammy, Esq., and C. P. Lockey, Esq. The following jury was drawn to pass upon the case: Eben Horton, C. J. Dale, Lewis Gordon, J. M. King, J. N. Moore, C. B. Capps, S. A. Craig, Ed. Yopp, P. D. Cowan, J. W. Eubank, Thomas Williams, Benj. Motte.

The first witness called by the state was Policeman L. P. Thomas. He testified that on the morning the alarm was sent in he and Policeman N. J. McDuffie, colored, were on duty on Walnut street, between Seventh and Eighth streets. They were about the middle of the block, a block and a half distant from box 34. They heard on alarm turned in from box 34 at 12:30 o'clock and afterwards an alarm was sent in from box 34. When they heard the latter alarm they started on a run for the box. Witness said he dropped his club and Officer McDuffie got ahead of him a short distance. When he got to the box Officer Thomas had Thompson and Styron under arrest and he heard Officer McDuffie say they turned in the alarm. They denied it. Witness said he did not see them turn in any alarm and did not know anything about it, further than stated. When witness got to the box where Officer McDuffie and the two young men were some firemen had also reached there. Witness never saw the boys till he got to Seventh and Grace streets. When he came up, he and Officer McDuffie carried Thompson and Styron to the city hall and they were locked up in the guardhouse.

Policeman N. J. McDuffie, colored, was called by the state and testified that while on duty with Officer Thomas as about midway of the block on Walnut street, between Seventh and Eighth streets, they heard an alarm go in from box 34. Witness started in a fast run to go to the box. He ran down Walnut street to Seventh and when he got to the corner of Seventh street he had box 34, at the corner of Seventh and Grace streets, in line. He saw two men at the box and the alarm was still going in. They stood there a minute and broke and ran up Seventh street, coming towards him. He stopped in the shadow of some trees and they ran into his arms. Witness ordered them to halt, and they obeyed. Thompson said, "Can you tell me where box 34 is?" Witness said "Right back yonder where you turned that alarm in, come on and go back to the box." When the two boys were running and got near witness at the corner of Seventh and Walnut streets, he heard Styron say to Thompson, "Don't run around the corner." Cross examined witness said he saw one of the boys shut the door of the fire alarm box. It was between 1 and 2 o'clock. The electric lights were not burning but there was a bright moonlight. Saw both boys jam up to the box, one with his hand on it. Lawyer McClammy put witness on his guard and asked him if it was not around the corner on Walnut street, and not on Seventh street, that he met the boys. He warned witness he intended to put up a witness to prove that it was on Walnut street that he met them. Witness answered positively that he did not meet them on Walnut street but on Seventh street, about

20 feet from the corner of Walnut street. Was not running when the boys came up but was standing still. When the boys were halted Thompson inquired where the box was, and witness said right there where you turned in the alarm. Styron replied that they did not turn in the alarm and that it was strange that he (McDuffie) could see them turn in an alarm a whole square. Witness denied that Styron said when arrested, "If you make a false arrest you will be made to suffer for it." Styron, however, said several things afterwards on the way down to the city hall. One of the firemen told witness Styron had a knife in his hand, and Styron said, "Well, I can put it up." Witness then put the "nippers" on him. He said he was about three-fourths of a block from the boys when he saw them turn in the alarm. Didn't know whether the distance from the boys was 250 feet or not. The buggy of the chief of the fire department and some firemen were coming up Seventh street and that was why the boys ran in the opposite direction on the opposite side of the street. Witness was standing. Witness said he kept his eye on them from the time they turned in the alarm till they ran into his arms. The solicitor asked witness if he was positive Thompson and Styron were the men who turned in the alarm, and he replied "they are the men."

Henry Styron and Fletcher Thompson were sworn as witnesses. Styron was put upon the stand, and denied that Officer McDuffie met them on Seventh street. He said at the time the alarm was sent in he and Thompson were on Chestnut street and ran up Seventh street on the opposite side from box 34. Said they thought the alarm was sent in from box 28 in Brooklyn. Swore positively that they did not meet Officer McDuffie on Seventh street but around the corner on Walnut street. Witness said McDuffie asked them who turned in the alarm and they answered, "We don't know." Said McDuffie replied, "You ought to know." Witness said when they met McDuffie he was running up the hill on Walnut street from the direction of Eighth street. He swore positively that he and Thompson did not turn in the alarm.

Fletcher Thompson was put upon the stand and corroborated Styron in his statement about their being on Chestnut street, running up Seventh street and meeting McDuffie on Walnut street. Said when they were near Walnut street, running, as they supposed, to box 28 in Brooklyn, Styron said, "Let's slack up, I'm tired and I don't want to run any further." Witness said when they met McDuffie, he (Thompson) asked him where box 28 was and McDuffie said the alarm was from box 34, at Seventh and Grace streets. They then turned and went back to box 34, and McDuffie then called Officer Thomas who was running and they arrested them at the box. Swore they were not arrested till they got back to the box. He swore positively he did not turn in the alarm and that Styron did not do so.

The testimony was then closed and the jury was addressed by Mr. McClammy for the defence. He was followed by Mr. Sutton for the state. The hour for adjournment, 6 o'clock, having arrived there were no further proceedings in this case. This morning Mr. Lockey will speak for the defence and Solicitor Richardson will close for the state.

MISTRIAL IN THE HOWLAND CASE.

A few minutes after 6 o'clock, Judge Sutton had the Howland jury called in and asked them if they were ready to return a verdict. The foreman answered it was impossible for them to do so. Judge Sutton thereupon ordered a juror withdrawn and a mistrial entered as to the case. The jury stood 8 for conviction and 4 for acquittal. The judge ordered the prisoner to be remanded to jail and to be brought into court this morning at 9:30 o'clock.

The court took a recess till 9:30 o'clock this morning.

Pursuant to adjournment for recess on Friday evening, the circuit criminal court of New Hanover county met yesterday at 9:30 a. m.

THE FALSE FIRE ALARM CASE.

The case of the State against Fletcher Thompson and Henry Styron, the two young white men charged with turning in a false alarm of fire on the morning of March 3rd, was resumed. On Friday afternoon before court adjourned Herbert McClammy, Esq., addressed the jury for the defence, and was followed by David B. Sutton, Esq., for the state. When the court met yesterday morning, C. P. Lockey, Esq., spoke for the defence, and Solicitor M. C. Richardson closed for the state. Judge Sutton then charged the jury and they retired at 11 a. m.

HOWLAND SENTENCED TO EIGHT YEARS.

Fred P. Howland, who was convicted on Monday on an indictment charging him with taking and carrying away Mr. H. L. Fennell's horse and buggy, for his temporary use, at Cedar Grove, on Greenville sound, July 5th, was in court, and Judge Sutton informed the solicitor that the court may as well dispose of this case.

Solicitor Richardson thereupon prayed the judgment of the court as to Howland.

C. P. Lockey, Esq., who assisted in the prosecution, asked to be heard before sentence should be passed.

Herbert McClammy, Esq., one of Howland's counsel in the incendiary case, stated that he did not represent the defendant in the horse and buggy case, and neither did Marsden Bellamy, Esq., or Geo. L. Peschau, Esq., who were associated with him in the incendiary case. In the absence of these gentlemen, he would ask the court to defer sentence, at least until Mr. Bellamy came in. He said he would send for Mr. Bellamy. Meanwhile, Mr. Bellamy came in.

The court then heard Mr. Lockey, who urged the court, in view of the character which the defendant Howland bears in the community, to give him the full penalty of the law. He urged this because a mistrial had pre-

sulted in the incendiary case, and spoke earnestly in impressing the court that the community held the defendant in great fear and would feel safer with him where he could not commit the acts which the citizens generally were convinced he was guilty of. He said the belief was general that Howland was the incendiary who had destroyed a great deal of property in Wilmington.

Mr. Bellamy asked Mr. Lockey if it were not true that while Howland was in jail there were not about twenty incendiary fires, and wanted to know how that was.

Mr. Lockey said he would admit there were some incendiary fires while the defendant was in jail and said of course there were others besides him engaged in the devilish work. He again urged the court to protect the community by making Howland's sentence as severe as possible. He said he did not ask the court to accept his statement, but the state desired to have some witnesses examined as to Howland's character before sentence was passed.

Judge Sutton requested the state's counsel to bring forward the witnesses.

The state called former Mayor W. N. Harriss to the stand and after being sworn, he testified as follows, in answer to interrogations by Mr. Lockey: "I have been a member of the board of Aldermen of this city and mayor of the city. I am acquainted with the general character of F. P. Howland. It is bad. I know that the city has suspected this man of grave crimes and he has been watched by the city. He has been suspected of incendiary fires and for turning in false alarms. The police force has been instructed by me to watch him carefully more than a year and a half ago."

Ex-Mayor Fowler was called and sworn. He testified as follows:

"I have been a member of the board of aldermen and mayor of this city. I know F. P. Howland. I know his general character. It is bad for sobriety. He has been under suspicion of turning in false alarms and I have heard a number of people say they believed he was a party to the incendiary fires, owing to remarks he had made. There was a burglary committed in town and a tool of some kind was found on the piazza next morning. The burglar was seen between 12 and 1 o'clock in a lady's room. I understand that the next morning Howland went to the gentleman whose house was entered and told him that he understood his house had been entered into the night before and that he would like to see the tool which was left on the piazza. Howland said his workshop had been robbed and some tools carried off, and he wanted to see if that was one of them. He said his tools had his initials on them. The tool left by the burglar had Howland's initials on the handle, and he asked to be allowed to carry it off, and did so. I am told that subsequently the gentleman was walking on the street with his wife and she saw Howland and asked who he was. Said he was the man that was in her room that night. The husband answered that he presumed that was not the man; that that man was Fred Howland. I don't think he had a workshop. Since he was on the police force I have never known him to be regularly employed for any length of time. I think he watched on the "Commodore" for a short period."

Mr. Bellamy brought out the latter statement, and said it was true that Howland had watched seven months on the Commodore, and also on other vessels. He also showed that the prisoner had served six years on the police force. Chief of Police Melton was sworn and testified as follows: "I have held this position for two and one-half years. I think I know F. P. Howland's general character. It is bad. For nearly two years I have watched him myself and lost numbers of nights sleep on account of it. Mr. Howland was suspected of incendiaryism."

THE SENTENCE.

After some questions by Mr. Bellamy and brief remarks invoking the clemency of the court, Judge Sutton said:

"I desire to say, gentlemen, that in my experience at the bar, which has extended over a period of twenty-five years, and my short experience on the bench, but having a large circuit in charge composed of ten large counties, it has fallen upon me, been my lot, to try a large number of cases, a thousand or more, and next to that of capital crime, it is the most awful to my mind. Now, ordinarily, under the conviction which stands against him, the larceny of a horse for a temporary purpose, I would hesitate long before, and I seriously doubt if I would at all, inflict scarcely more than nominal punishment; but I am bound to take notice of what have been the trial of the incendiary case. While a jury cannot express an opinion before a jury, and it is very proper that he should not, yet there is no law that ever I heard of that don't allow him to think. If he has a mind, he must have an impression, and the impression made upon me in this incendiary case was that the testimony pointed with absolute, unerring certainty to F. P. Howland as the man who set fire to that warehouse that night. I don't think there is any doubt about it. Two-thirds of the jury if the newspaper report is correct, and I take it that it is, for others have said so, two-thirds of the jury thought the same way. In addition to that, the most remarkable condition of affairs has presented itself to my mind in this case. This week I have received messages from some of the leading citizens of this town, who sent me word that they were afraid to give their names and begged me not to mention their names, that they were afraid of this man; citizens of large affairs and property owners; men of large business; the leading men of your city; to a very great extent merchants, business men and others; that they thought it an absolute necessity to the safety of this town that the people have exemption from the presence of this man in their midst; men whom I knew when I was a boy living in this town; men whom you know and men whom you would be surprised to know who they are; conservative men; careful men; not men who run off with enthusiasm or at a tangent; not men who jump at a conclusion, but men who deliberate and weigh well what they say before they say it; all that testimony is to the bad character

of this defendant. Therefore in measuring the punishment in the case for which he stands convicted, I must take into consideration these other potent circumstances and the terror to which he has subjected this community. It is my duty to do so. I am glad to know that it has been said by me that I am not harsh in my sentences. I thank God that I am so considered. But there are times when a judge must be apparently harsh in order to do his duty. I am sorry for this young man's mother, but there never was a crime committed, and there never will be, but what some innocent person has to suffer anxiety of mind and remorse. While that is true on the one hand, on the other the protection of society is equally important and demanding the duty of the judge. The judgment of the court in this case is that the defendant, Fred P. Howland, be confined in the state prison, at Raleigh, North Carolina, for a period of eight years at hard labor."

The prisoner sat in his seat and looked pale, but composed. He said nothing and was taken in custody by Deputy Sheriff W. W. King and carried back to jail.

The solicitor asked the court to have the case against Howland, on the charge of setting fire to the naval stores yard and warehouse of Robinson & King, not pressed with leave. The court so ordered, and Mr. Lockey added that he wanted it understood that if Howland ever came back here this case would be called up and prosecuted to the utmost.

MISTRIAL IN THE FALSE ALARM CASE.

At 12:30 p. m. Judge Sutton had the Thompson-Styron jury called out and asked them if they could agree upon a verdict. The foreman answered that they had not and he believed it was impossible for them to agree. The judge thereupon ordered that a juror be withdrawn and a mistrial entered. He required the defendants to give a bond of \$50 each for their appearance at the next term of the court. They failed to give bond and were sent back to jail. The jury in this case stood five for conviction and seven for acquittal.

At 12:45 p. m. the court took a recess till 10 a. m. Monday.

How's This.

We offer One Hundred Dollars reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure. F. J. CHENEY & CO., Toledo, O. We, the undersigned, have known F. J. Cheney for the last 15 years, and believe him perfectly reliable in all his business transactions and financially able to carry out all obligations made by their firm.

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Harness Thieves.

Early last night Captain Robert Green, on duty at the city hall, was informed that a couple of half-grown negro boys were trying to sell a set of harness that they had probably stolen. He sent out some officers to bring them in, and they were found and arrested at Sixth and Chestnut streets. Mr. Humphrey has a grocery store there, and they had sold the harness to him for \$1. He suspected the boys and telephoned to the city hall about them. The arrest was made by Policemen L. P. Thomas and W. J. Orr, and while they were bringing their prisoners along Chestnut street to the hall one of the boys suddenly scaled a fence and made his escape. The other, whose name is Robert Williams, was lodged in the guard house.

The House Committees.

Washington, July 24.—Speaker Reed to-night at 8:30 o'clock announced the house committees. The committees on ways and means, accounts and mileage were announced at the beginning of his session.

Following are the chairmen of the committees announced and the North Carolina members thereon:

Foreign Affairs—Hill, of Illinois, chairman; Pearson. Appropriations—Cannon, of Illinois, chairman. Judiciary—Henderson, of Iowa, chairman. Coinage, Weights and Measures—Stone, of Pennsylvania, chairman. Inter-State and Foreign Commerce—Hepburn, of Iowa, chairman. Rivers and Harbors—Hooker, of New York, chairman. Agriculture—Woodford, of New York, chairman; Geo. H. White, A. G. Shuford. The chairmen of the other more important committees are: Naval Affairs—Charles A. Boutelle, of Maine. Postoffice and Post Roads—Eugene F. Loud, of California. Public Lands—John F. Lacey, of Iowa. Indian Affairs—James S. Sherman, of New York. Territories—William S. Knox, of Massachusetts. Immigration and Naturalization—Lorenzo Danford, of Ohio. Labor—John G. Gardner, of New Jersey. Militia—Benjamin F. Marsh, of Illinois.

Inherited Political Mannerism.

(New York Tribune.) An old politician, in discussing the career and character of Senator Harris, said today: "Whenever an unusually strong man appears in state he becomes a pattern which young men for a long time copy. Mr. Harris always had General Jackson in his mind. He copied Jackson's earnestness and resolution. He was fully as brave a man physically and in every other way. In Kentucky Henry Clay was the model. The young men all copied him. It was his fashion to be alternately gracious and imperious. Public speakers, too, all showed the effect of Clay's manner. Thomas F. Marshall, John C. Breckinridge and others reproduced fairly well some of Clay's effect as an orator and leader. They lacked his genius, but they knew how to be chivalrous and slightly bullying by turns. In these respects, and in the marked influence he exerted as the man who devised them. In New York, Martin Van Buren may still be traced. Thidien, though on opposite sides, both copied some of Van Buren's shrewdness. Mr. Tilden, in turn, trained a lot of young men in the same school. David B. Hill is the one of them. The Jacksonian energy and the Clay manner and oratory are nothing to Hill. He rests everything upon organization. Let him choose the delegates and the members of the campaign committee, and he cares not who makes the speeches. He likes to speak well enough, but he does not rest his case at any time on oratory."

The Injunction Refused.

(Special to The Messenger.) Raleigh, N. C., July 24.—In the mandamus case brought by Marcus M. Smith, of the Southern Law Book Exchange, to restrain Secretary of State Thompson from making Alfred Williams agent for the sale of the supreme court, Judge Robinson refuses to grant the injunction. Smith will appeal.

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either side and suffered with a choking or smothering feeling so badly I could hardly breathe, I suffered terribly. Trying many remedies without benefit I was advised to take Dr. Miles' Heart Cure, the first bottle relieved me some and I then took the Restorative Nerve alternately with the Heart Cure and with them Dr. Miles' Nerve and Liver Pills until I was much benefited. I was then without the remedies some months, when the trouble returned, pronounced by the doctors, neuralgia of the heart. I again commenced with the remedies, adding this time Dr. Miles' Nerve Plasters, and they have done wonders for me. I have gained steadily in flesh and I thank you for the benefit I have received from the use of these valuable medicines, they no doubt have saved my life."

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